



DIVISION
2008 DEC -4 PM 4:51

ATTORNEY DOCKET NO.: GTI-1130-CT2

DAC

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Edward Nolan, et al.
Title: Electrical Field Therapy with Reduced Histopathological Change in Muscle
Serial No.: 10/756,946 Docket No.: GTI-1130-CT2
Filed: January 13, 2004
Examiner: Sharon E. Kennedy Group Art Unit: 1615

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OFFICE OF PETITIONS

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RENEWED PETITION UNDER 37 CFR 1.137(b)

Sirs,

This Renewed Petition is submitted in response to the October 10, 2008 Decision. Said Decision was issued on the Petition filed on February 27, 2008.

The petition was dismissed because the petition fee was paid as a small entity when the applicant is no longer was claiming small entity status, thereby the petition fee was lacking \$850.00 for payment at a large entity status.

As instructed in the Decision, submitted herewith is a check in the amount of \$850.00 to make the petition fee complete to a large entity status fee along with a Fee Transmittal to complete the total payment of fees.

CERTIFICATE OF MAILING PURSUANT TO 37 CFR § 1.8:

The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop: PETITION, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450

DANIEL M. CHAMBERS
Name

November , 2008
Date

Signature

12/05/2008 DALLEN 00000008 10756946

01 FC:1461

850.00 OP

Enclosed for your convenience are copies of the previously filed Petition for Revival of an Application for Patent Abandonment Unintentionally Under 37 CFR 1.137(b) and copies of the supporting documents submitted therewith on February 25, 2008

If there are any additional fees due or overpayment please contact the undersigned attorney at 858-350-9690.

Respectfully Submitted,

Date: November, 2008
BioTechnology Law Group
c/o PortfolioIP
P.O. Box 52050
Minneapolis, MN 550402

By: _____
Daniel M. Chambers
Reg. No. 34,561
Telephone: (858) 350-9690
Facsimile: (858) 350-9691
Email: dan@biotechnologylawgroup.com



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ORIGINAL CHECK HAS A COLORED BACKGROUND PRINTED ON CHEMICAL REACTIVE PAPER - SEE BACK FOR DETAILS

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11494 SORRENTO VALLEY RD.

SAN DIEGO, CA 92121-1318

(858) 597-6006 FAX (858) 597-0451

CONFIDENTIAL 02/20/2008 CEN/3500

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Peter Yu
Margaret Lam

AUTHORIZED SIGNATURES

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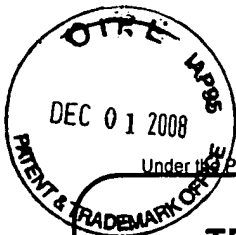
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DATE *25 Feb 2008*

16-60/1220
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BIOTECHNOLOGY LAW GROUP
12707 HIGH BLUFF DR, STE 200 (858) 350-9690
SAN DIEGO, CA 92130

1842



PTO/SB/21 (04-07)

Approved for use through 09/30/2007. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

16

Application Number

10/756,946

Filing Date

January 13, 2004

First Named Inventor

Edward Nolan

Art Unit

1615

Examiner Name

KENNEDY, Sharon E.

Attorney Docket Number

GTI-1130-CT2

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ENCLOSURES (Check all that apply)

Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Reply to Missing Parts/
Incomplete ApplicationReply to Missing Parts
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a
Provisional Application

Power of Attorney, Revocation



Change of Correspondence Address



Terminal Disclaimer



Request for Refund



CD, Number of CD(s) _____

☐ Landscape Table on CD

After Allowance Communication to TC

Appeal Communication to Board
of Appeals and InterferencesAppeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please identify
below):1. Renewed Petition; 2. Copy of Decision;
3. Copy of 2-22-07 Change of Address 4.
Copy of Documents filed 2-25-08 Please
see Remarks Below

Remarks

5. Returned postcard

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

BioTechnology Law Group

Signature

Printed name

Daniel M. Chambers

Date

November 25, 2008

Reg. No.

34,561

CERTIFICATE OF TRANSMISSION/MAILING

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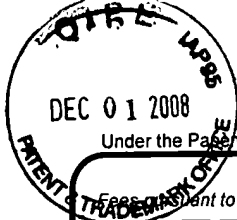
Daniel M. Chambers

Date

November 25, 2008

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Effective on 12/08/2004.

Subject to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2008☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 850.00**Complete if Known**

Application Number	10/756,946
Filing Date	January 13, 2004
First Named Inventor	Edward Nolan et.al
Examiner Name	KENNEDY, Sharon E.
Art Unit	1615
Attorney Docket No.	GTI-1130-CT2

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METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):☐ Deposit Account Deposit Account Number: Deposit Account Name:

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17☐ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	310	155	510	255	210	105	
Design	210	105	100	50	130	65	
Plant	210	105	310	155	160	80	
Reissue	310	155	510	255	620	310	
Provisional	210	105	0	0	0	0	

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 (including Reissues)

Fee (\$)

Small Entity Fee (\$)

50

25

Each independent claim over 3 (including Reissues)

210

105

Multiple dependent claims

370

185

Total Claims**Extra Claims****Fee (\$)****Fee Paid (\$)**

0 - 20 or HP = 0 x 26.00 = 0.00

HP = highest number of total claims paid for, if greater than 20.

Multiple Dependent Claims**Fee (\$)****Fee Paid (\$)**

0.00 0.00

Indep. Claims**Extra Claims****Fee (\$)****Fee Paid (\$)**

0 - 3 or HP = 0 x 110.00 = 0.00

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets**Extra Sheets****Number of each additional 50 or fraction thereof****Fee (\$)****Fee Paid (\$)**

- 100 = / 50 = (round up to a whole number) x =

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Fees Paid (\$)

Other (e.g., late filing surcharge): \$850.00 Petition Fee to complete Large Entity Amount

850.00

SUBMITTED BY

Signature		Registration No. 34,561 (Attorney/Agent)	Telephone 858 350 9690
Name (Print/Type)	Daniel M. Chambers		Date 11/25/2008

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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P 88144.149452

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c/o PORTFOLIO IP
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ON PETITION

In re Application of
Edward Nolan et al.
Application No. 10/756,946
Filed: January 13, 2004
Attorney Docket No. GTI-1130-CT2

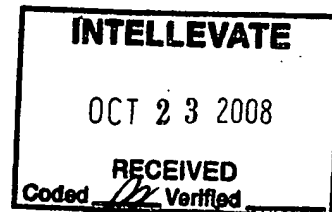
This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 27, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to timely pay the issue and publication fees on or before November 1, 2006, as required by the Notice of Allowance and Fee(s) Due, mailed August 1, 2006, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on November 2, 2006.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (2).



Petitioner has stated on the PTOL-85(b) (Issue Fee Transmittal) that "[a]pplicant is no longer claiming SMALL ENTITY status," paid the issue fee (\$1440) as an large entity and the petition fee (\$770) as a small entity. Accordingly, since petitioner is no longer claiming small entity the petition fee **can not** be paid at small entity fee rate. However, effective October 2, 2008, the Patent and Trademark Office fees has increased. A petition to revive under large entity is now \$1620, and the balance owed reflects the new current fees. Therefore, petitioner must submit the balance of \$850 towards the fee for a petition to revive under 37 CFR 1.137(b) before this application can be revived.

The instant petition is signed by the attorney of record. However, the address on the petition differs from the address of record. There is no indication that a new change of address has been filed. Therefore, if petitioner desires to receive future correspondence to the address listed on the petition regarding this application, the appropriate change of address must be submitted. A courtesy copy of this decision is being mailed to petitioner. Nevertheless, all future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

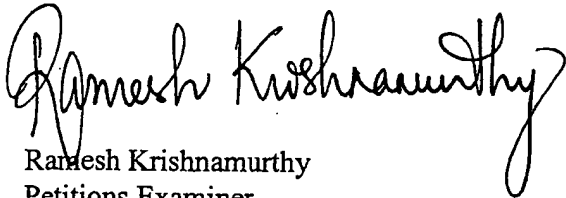
Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
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By hand: U. S. Patent and Trademark Office
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 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

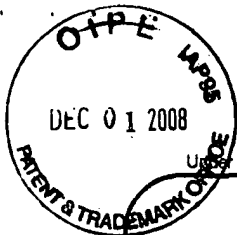
The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.



Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: Daniel M. Chambers
 527 N Highway 101
 Suite E



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PTO/SB/122 (01-06)

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CHANGE OF CORRESPONDENCE ADDRESS Application

Address to:
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Alexandria, VA 22313-1450

Application Number	10/756,946
Filing Date	Jan 13, 2004
First Named Inventor	Edward NOLAN
Art Unit	1615
Examiner Name	Sharon E. KENNEDY
Attorney Docket Number	GTI-1130-CT2

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City Minneapolis

State MN

Zip 55402

Country USA

Telephone (858) 350-9690

Email dan@blotechnologylawgroup.com

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I am the:

☐ Applicant/Inventor

☐ Assignee of record of the entire interest.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ Attorney or agent of record. Registration Number 34,561

☐ Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number _____

Signature

Typed or Printed Name Daniel M. Chambers

Date Feb 22, 2007

Telephone (858) 350-9690

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Title: Electrical Field Therapy with Reduced Histopathological Change in Muscle

Inventors: Edward Nolan

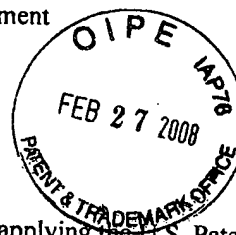
Date of Deposit: Feb 25, 2008

Attorney Docket No.: GTI-1130-CT2

Application S/N: 10/756,946

Application Filing Date: January 13, 2004

- ☒ Transmittal (1 page);
- ☒ Fee Transmittal (1 page);
- ☒ Petition for Revival of An Application for Patent Abandonment Unintentionally... (2 pages)
- ☒ Issue Fee Transmittal Form (PTOL-85) (1 page);
- ☒ Checks (#1: 1,740.00) (#2: 770.00) (2 items); and
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Respectfully,

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Title: Electrical Field Therapy with Reduced Histopathological Change in Muscle
Inventors: Edward Nolan Date of Deposit: 25 Feb, 2008
Attorney Docket No.: GTI-1130-CT2
Application S/N: 10/756,946 Application Filing Date: January 13, 2004

- ☒ Transmittal (1 page);
- ☒ Fee Transmittal (1 page);
- ☒ Petition for Revival of An Application for Patent Abandonment Unintentionally. . . (2 pages)
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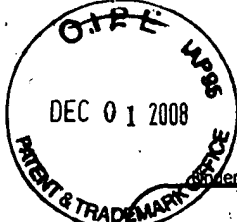
Respectfully,

Biotechnology Law Group



BIOTECHNOLOGY LAW GROUP
12707 High Bluff Drive, Suite 200
San Diego, CA 92130-2037

BioTechnology Law Group
c/o PortfolioIP
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Minneapolis, MN 55402



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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

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Application Number

10/756,946

Filing Date

January 13, 2004

First Named Inventor

E Nolan

Art Unit

1615

Examiner Name

KENNEDY, Sharon E.

Attorney Docket Number

GTI-1130-CT2

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ENCLOSURES (Check all that apply)

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to TC |
| <input checked="" type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Reply | <input checked="" type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | 1. Petition for Revival of an Application for Patent Abandoned Unintentionally |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | 2. Part B - Fee(s) Transmittal |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | 3. Return Postcard |
| <input type="checkbox"/> Reply to Missing Parts/Incomplete Application | <input type="checkbox"/> Landscape Table on CD | |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | | |

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name
BioTechnology Law Group

Signature

Printed name
Daniel M. Chambers

Date
25 Feb 2008

Reg. No. 34,561

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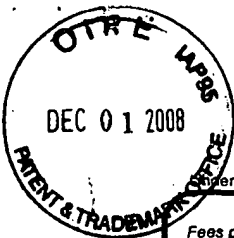
Signature

Typed or printed name
Daniel M. Chambers

Date
25 Feb 2008

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PTO/SB/17 (10-07)

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Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2008☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 2,510.00**Complete If Known**

Application Number	10/756,946
Filing Date	January 13, 2004
First Named Inventor	E Nolan et.al
Examiner Name	KENNEDY, Sharon E.
Art Unit	1615
Attorney Docket No.	GTI-1130-CT2

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METHOD OF PAYMENT (check all that apply)

- ☒ Check ☐ Credit Card ☐ Money Order ☐ None ☒ Other (please identify): 2 checks enclosed
- ☐ Deposit Account Deposit Account Number: _____ Deposit Account Name: _____
- For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)
- ☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
- ☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments

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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	310	155	510	255	210	105	
Design	210	105	100	50	130	65	
Plant	210	105	310	155	160	80	
Reissue	310	155	510	255	620	310	
Provisional	210	105	0	0	0	0	

2. EXCESS CLAIM FEES**Fee Description**

	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	210	105
Multiple dependent claims	370	185

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
0	- 20 or HP = 0	x 50.00	= 0.00

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
0	- 3 or HP = 0	x 210.00	= 0.00

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
0	- 100 = 0	/ 50 = 0	(round up to a whole number) x	= 0.00

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Issue & Publication: 1,740.00 & Revival: 770.00

Fees Paid (\$)

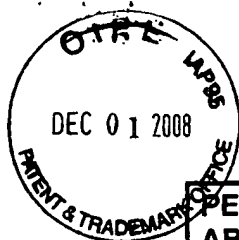
2,510.00

SUBMITTED BY

Signature		Registration No. 34,561 (Attorney/Agent)	Telephone 858 350 9690
Name (Print/Type)	Daniel M. Chambers		Date 25 Feb 2008

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

GTI-1130-CT2

RECEIVED

DEC 09 2008

OFFICE OF PETITIONS

First named inventor: Edward Nolan

Application No.: 10756,946

Art Unit: 1615

Filed: January 13, 2004

Examiner: KENNEDY, Sharon

Title: Electrical Field Therapy with Reduced Histopathological Change in Muscle

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 770.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):

- ☐ has been filed previously on _____
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ 1,740.00

- ☐ has been paid previously on _____
☒ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

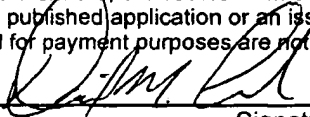
3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.



Signature

25 Feb 2008

Date

Daniel M. Chambers

Typed or printed name

34,561

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Address

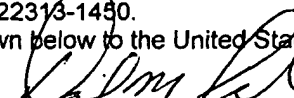
Enclosures: ☒ Fee Payment☐ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☐ Other: _____**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

25 Feb 2008

Date



Signature
Daniel M. Chambers (Reg. No. 34,561)

Typed or printed name of person signing certificate